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Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

	Application No.	Applicant(s)				
	09/868,176	KNIGHT ET AL.				
Office Action Summary	Examiner	Art Unit				
	Clement B. Graham	3692				
The MAILING DATE of this communication app	ears on the cover sheet with the c	orrespondence address				
Period for Reply						
A SHORTENED STATUTORY PERIOD FOR REPLY WHICHEVER IS LONGER, FROM THE MAILING DA - Extensions of time may be available under the provisions of 37 CFR 1.13 after SIX (6) MONTHS from the mailing date of this communication. - If NO period for reply is specified above, the maximum statutory period w - Failure to reply within the set or extended period for reply will, by statute, Any reply received by the Office later than three months after the mailing earned patent term adjustment. See 37 CFR 1.704(b).	ATE OF THIS COMMUNICATION 36(a). In no event, however, may a reply be timular apply and will expire SIX (6) MONTHS from cause the application to become ABANDONEI	I. lely filed the mailing date of this communication. D (35 U.S.C. § 133).				
Status						
1) Responsive to communication(s) filed on 10/16	8/07					
	action is non-final.					
,	, ——					
closed in accordance with the practice under <i>Ex parte Quayle</i> , 1935 C.D. 11, 453 O.G. 213.						
Disposition of Claims	···,······					
4)⊠ Claim(s) <u>1-47</u> is/are pending in the application.						
4a) Of the above claim(s) is/are withdrawn from consideration.						
5) Claim(s) is/are allowed.						
6)⊠ Claim(s) <u>1-47</u> is/are rejected.						
7) Claim(s) is/are objected to.	· · · · · · · · · · · · · · · · · · ·					
8) Claim(s) are subject to restriction and/o	r election requirement.					
Application Papers						
9) The specification is objected to by the Examine	r					
10) The drawing(s) filed on is/are: a) accepted or b) objected to by the Examiner.						
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).						
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).						
11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.						
Priority under 35 U.S.C. § 119						
12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).						
a) All b) Some * c) None of:						
 1. Certified copies of the priority documents have been received. 2. Certified copies of the priority documents have been received in Application No 						
3. Copies of the certified copies of the priority documents have been received in this National Stage						
application from the International Bureau		od III IIIo Nalional Olago				
* See the attached detailed Office action for a list of the certified copies not received.						
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Attachment(s)	_					
1) Notice of References Cited (PTO-892)	4) Interview Summary Paper No(s)/Mail D					
Notice of Draftsperson's Patent Drawing Review (PTO-948) Information Disclosure Statement(s) (PTO/SB/08) Paper No(s)/Mail Date	5) Notice of Informal F 6) Other:					

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DETAILED ACTION

1. Claims 1-47 remained pending.

Claim Rejections - 35 USC § 101

2. 35 U.S.C. 101 reads as follows:

Whoever invents or discovers any new and useful process, machine, manufacture, or composition of matter, or any new and useful improvement thereof, may obtain a patent therefor, subject to the conditions and requirements of this title.

Claims 1, 10, 25-26, are rejected under 35 U.S.C. 101 because the claimed invention is directed to non-statutory subject matter.

Applicant's claims are directed to an algorithm. Specifically, claim 1 recites "transmitting", "determining" and "checking", however these steps are mere ideas in the abstract (i.e., abstract idea, law of nature, natural phenomena) that do not apply, involve, for example) and abstract ideas without a practical application are found to be non-statutory subject matter. Therefore, Applicant's claims are non-statutory as they do not produce a useful, concrete and tangible result.

Claim Rejections - 35 USC § 103

- 3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:
- (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.
- 4. Claims 1-47, are rejected under 35 U.S.C. 103(a) as being unpatentable over Kolling et al (Hereinafter Kolling U.S 5, 920, 847) in view of Sehr UA Pub: 2002/0100803 A1.

As per claim 1, Kolling discloses a method of processing payment transactions by a financial institution having a plurality of branches, each payment transaction having a destination bank and each payment transaction being capable of being forwarded through a plurality of clearing systems, the method comprising the steps of transmitting the payment transactions from the plurality of branches to a central location within the financial institution, the central location being connected to the plurality of clearing systems determining by a payment router for each payment transaction, an appropriate clearing system which to forward the payment transaction; and forwarding each

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payment transaction to flow control module. (note abstract and see column 9 lines 23-38 and column 31 lines 11-53 and column 40 lines 39-67 and column 41 lines 1-67). Kolling fail to explicitly teach checking each payment transaction based on parameters of the payment transaction by the flow control module before releasing each payment transaction to the determined appropriate clearing system.

However Sehr discloses the banking module facilitates the storing in the passenger card of electronic payment forms, which represent cash or plastic-based banking cards, together with digital money allocated thereto. The monetary value can also be downloaded via online communication means, such as from a checking account or line of credit. Also loaded into the passenger card can be electronic payment points, which represent use or consumption rights underwritten by the non-banking entity. For example, the transport provider provides the passenger, in exchange for adequate payment or a predetermined amount of travel miles, a set of payment points that can be used for future purchases of tickets or services at selected providers accepting those points. After acceptance, the payment points can be redeemed by the transport provider and credited to the providers' account as traditional money. (Note Fig 2 and see column 6 para 0045).

Therefore it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the teachings of Kolling to include checking each payment transaction based on parameters of the payment transaction by the flow control module before releasing each payment transaction to the determined appropriate clearing system taught by Sehr in order to determine the appropriate and correct funds clearing facility.

As per claim 2, Kolling discloses further comprising the step of designating a preferred clearing system for one of the payment transactions, and wherein the step of determining the appropriate clearing system considers the preferred clearing system. (note abstract and see column 9 lines 23-38 and column 31 lines 11-53 and column 40 lines 39-67 and column 41 lines 1-67).

As per claim 3, Kolling discloses further comprising the step of determining if the preferred clearing system is available for use. (note abstract and see column 9 lines 23-38 and column 31 lines 11-53 and column 40 lines 39-67 and column 41 lines 1-67).

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As per claim 4, Kolling discloses further comprising the step of determining if the preferred clearing system is on holiday. (note abstract and see column 9 lines 23-38 and column 31 lines 11-53 and column 40 lines 39-67 and column 41 lines 1-67).

As per claim 5, Kolling discloses further comprising the step of determining if a cutoff time for using the preferred clearing system has passed. (note abstract and see column 9 lines 23-38 and column 31 lines 11-53 and column 40 lines 39-67 and column 41 lines 1-67).

As per claim 6, Kolling discloses, wherein the plurality of clearing systems include Real Time Gross Settlement (RTGS) clearing systems, and Multi Lateral Net Settlement (MLNS) clearing systems, and wherein the RTGS clearing systems can further use a Trans-European Automated Real-Time Gross settlement Express Transfer (TARGET) clearing system. (note abstract and see column 9 lines 23-38 and column 31 lines 11-53 and column 40 lines 39-67 and column 41 lines 1-67).

As per claim 7, Kolling discloses wherein the step of processing each payment transaction by the flow control module further comprises the step of determining if the payment transaction would exceed a predetermined limit. (note abstract and see column 9 lines 23-38 and column 31 lines 11-53 and column 40 lines 39-67 and column 41 lines 1-67).

As per claim 8, Kolling discloses wherein the predetermined limit is set respect to the destination bank. (note abstract and see column 9 lines 23-38 and column 31 lines 11-53 and column 40 lines 39-67 and column 41 lines 1-67).

As per claim 9, Kolling discloses wherein the predetermined limit is set with respect to a proposed clearing system being considered for the appropriate clearing system. (note abstract and see column 9 lines 23-38 and column 31 lines 11-53 and column 40 lines 39-67 and column 41 lines 1-67).

As per claim 10, Kolling discloses a method of processing a payment transaction, the payment transaction having a destination bank and the payment transaction being capable of being forwarded through a plurality of clearing systems, the method comprising the steps of. (note abstract and see column 9 lines 23-38 and column 31 lines 11-53 and

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column 40 lines 39-67 and column 41 lines 1-67) (a) identifying candidate clearing systems which could be used to forward the payment transaction to the destination bank;

- (b) verifying by a payment router that a first candidate clearing system is available for use;
- (c) verifying by a flow control module that a processing of the payment transaction does not exceed a predetermined value limit; and (d) forwarding the payment transaction to the first candidate clearing system. (note abstract and see column 9 lines 23-38 and column 31 lines 11-53 and column 40 lines 39-67 and column 41 lines 1-67).

As per claim 11, Kolling discloses further comprising the steps of sequentially repeating steps (b) and (c) for other candidate clearing systems until one of the other candidate clearing systems satisfies the verification steps of (b) and (c); and forwarding the payment transaction to the one other candidate clearing system. (note abstract and see column 9 lines 23-38 and column 31 lines 11-53 and column 40 lines 39-67 and column 41 lines 1-67).

As per claim 12, Kolling discloses further comprising the step of manually routing the payment transaction if none of the candidate clearing systems satisfy the verification of either steps (b) or (c). (note abstract and see column 9 lines 23-38 and column 31 lines 11-53 and column 40 lines 39-67 and column 41 lines 1-67).

As per claim 13, Kolling discloses further comprising the step of prioritizing the candidate clearing systems. (note abstract and see column 9 lines 23-38 and column 31 lines 11-53 and column 40 lines 39-67 and column 41 lines 1-67).

As per claim 14, Kolling discloses wherein the step of prioritizing further comprises the step of giving higher priority to a candidate clearing system identified by a customer as a preferred clearing system. (note abstract and see column 9 lines 23-38 and column 31 lines 11-53 and column 40 lines 39-67 and column 41 lines 1-67).

As per claim 15, Kolling discloses further comprising the step of determining if the destination bank is a member of more than one clearing system. (note abstract and see column 9 lines 23-38 and column 31 lines 11-53 and column 40 lines 39-67 and column 41 lines 1-67).

As per claim 16, Kolling discloses wherein the destination bank is a member of only the first candidate clearing system,

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the method further comprising the step of manually routing the payment transaction if the verification of either steps (b) or (c) fail. (note abstract and see column 9 lines 23-38 and column 31 lines 11-53 and column 40 lines 39-67 and column 41 lines 1-67).

As per claim 17, Kolling discloses wherein the TransEuropean Automated Real Time Gross settlement Express Transfer (TARGET) is designated as a desired clearing system, the method further comprising the step of eliminating candidate clearing systems which are not Real Time Gross Settlement (RTGS) clearing systems. (note abstract and see column 9 lines 23-38 and column 31 lines 11-53 and column 40 lines 39-67 and column 41 lines 1-67).

As per claim 18, Kolling discloses wherein the verification of step (b) further comprises the step of determining if the candidate clearing system is operational. (note abstract and see column 9 lines 23-38 and column 31 lines 11-53 and column 40 lines 39-67 and column 41 lines 1-67).

As per claim 19, Kolling discloses wherein the verification of step (b) filrther comprises the step of determining if the candidate clearing system is on holiday. (note abstract and see column 9 lines 23-38 and column 31 lines 11-53 and column 40 lines 39-67 and column 41 lines 1-67).

As per claim 20, Kolling discloses wherein the verification of step (b) further comprises the step of determining if a cutoff time for using the candidate clearing system has passed. (note abstract and see column 9 lines 23-38 and column 31 lines 11-53 and column 40 lines 39-67 and column 41 lines 1-67).

As per claim 21, Kolling discloses wherein the predetermined value limit is set with respect to the destination bank. (note abstract and see column 9 lines 23-38 and column 31 lines 11-53 and column 40 lines 39-67 and column 41 lines 1-67).

As per claim 22, Kolling discloses wherein the predetermined value limit is a limit of debits accepted by the destination bank. (note abstract and see column 9 lines 23-38 and column 31 lines 11-53 and column 40 lines 39-67 and column 41 lines 1-67).

As per claim 23, Kolling discloses wherein the predetermined value limit is set with respect to the first candidate clearing system. (note abstract and see column 9 lines 23-38 and column 31 lines 11-53 and column 40 lines 39-67 and column 41 lines 1-67).

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As per claim 24, Kolling discloses wherein the a predetermined value limit is a limit of debits accepted by the first candidate clearing system. .(see column 10 lines 11-67 and column 11-12 lines 1-65 and column 18 lines 58-67 and column 19-35 lines 1-67).

As per claim 25, Kolling discloses a method of processing payment transactions by a financial institution having a plurality of branches, each payment transaction having a destination bank and each payment transaction being capable of being forwarded through a plurality of clearing systems, the method comprising the steps of; transmitting the payment transactions from the plurality of branches to a central location within the financial institution. (note abstract and see column 9 lines 23-38 and column 31 lines 11-53 and column 40 lines 39-67 and column 41 lines 1-67) for each payment transaction, determine an appropriate clearing system which to forward the payment transaction by:

- (a) identifying, for each payment transaction, candidate clearing systems which could be used to forward the payment transaction to the destination bank,
- (b) verifying that a first candidate clearing system is available for use, and
- (c) verifying that a processing of the payment transaction does not exceed a predetermined value limit. (note abstract and see column 9 lines 23-38 and column 31 lines 11-53 and column 40 lines 39-67 and column 41 lines 1-67) and forwarding each payment transaction to the determined appropriate clearing system. (note abstract and see column 9 lines 23-38 and column 31 lines 11-53 and column 40 lines 39-67 and column 41 lines 1-67).

As per claim 26, Kolling discloses a system for processing payment transactions by a financial institution the system comprising; a plurality of branches of the financial institution at least one branch generating payment transactions, each payment transaction having a destination bank and each payment transaction being capable of being forwarded through a plurality of clearing systems (note abstract and see column 9 lines 23-38 and column 31 lines 11-53 and column 40 lines 39-67 and column 41 lines 1-67) a central location within the financial institution the at least one branch transmitting the payment transactions to the central location; and a payment router within the central location the payment router determining, is for each payment transaction, an appropriate clearing system to-which each payment

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transaction should be forwarded, and the payment router forwarding each payment transaction to the determined appropriate clearing system. (note abstract and see column 9 lines 23-38 and column 31 lines 11-53 and column 40 lines 39-67 and column 41 lines 1-67).

As per claim 27, Kolling discloses wherein the plurality of clearing systems include Real Time Gross Settlement (RTGS) clearing systems, and Multi-lateral Net Settlement (MLNS) clearing systems, and wherein the RGGS clearing systems can further use a Trans-European Automated Real-Time Gross settlement Express Transfer (TARGET) clearing system. (note abstract and see column 9 lines 23-38 and column 31 lines 11-53 and column 40 lines 39-67 and column 41 lines 1-67).

As per claim 28, Kolling discloses further comprising a flow control module coupled to the payment router wherein the flow control module determines if the forwarding of the payment transaction by the payment router would exceed a predetermined limit. (note abstract and see column 9 lines 23-38 and column 31 lines 11-53 and column 40 lines 39-67 and column 41 lines 1-67).

As per claim 29, Kolling discloses wherein the predetermined limit is set with respect to the destination bank. (note abstract and see column 9 lines 23-38 and column 31 lines 11-53 and column 40 lines 39-67 and column 41 lines 1-67).

As per claim 30, Kolling discloses wherein the spredetermined value limit is a limit of debits accepted by the destination bank. (note abstract and see column 9 lines 23-38 and column 31 lines 11-53 and column 40 lines 39-67 and column 41 lines 1-67).

As per claim 31, Kolling discloses wherein the predetermined limit is set with respect to a proposed clearing system. (note abstract and see column 9 lines 23-38 and column 31 lines 11-53 and column 40 lines 39-67 and column 41 lines 1-67).

As per claim 32, Kolling discloses wherein the predetermined value is a limit of debits accepted by the proposed clearing system. (note abstract and see column 9 lines 23-38 and column 31 lines 11-53 and column 40 lines 39-67 and column 41 lines 1-67).

As per claim 33, Kolling discloses wherein the payment router determines if the destination is bank is a member of more than one clearing system. (note abstract

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and see column 9 lines 23-38 and column 31 lines 11-53 and column 40 lines 39-67 and column 41 lines 1-67).

As per claim 34, Kolling discloses wherein the payment router identities candidate clearing systems which could be used to forward the payment transaction to the destination bank and wherein the payment router verities that a first candidate clearing system is available for use. (note abstract and see column 9 lines 23-38 and column 31 lines 11-53 and column 40 lines 39-67 and column 41 lines 1-67).

As per claim 35, Kolling discloses wherein the payment router (170, 250) determines if the candidate clearing system is on holiday. (note abstract and see column 9 lines 23-38 and column 31 lines 11-53 and column 40 lines 39-67 and column 41 lines 1-67).

As per claim 36, Kolling discloses wherein the payment router determines if a cutoff time for using the candidate clearing system has passed. (note abstract and see column 9 lines 23-38 and column 31 lines 11-53 and column 40 lines 39-67 and column 41 lines 1-67).

As per claim 37, Kolling discloses wherein if the first candidate clearing system is not available for use, the payment router further verifying at least one of the other candidate clearing systems is available for use. (note abstract and see column 9 lines 23-38 and column 31 lines 11-53 and column 40 lines 39-67 and column 41 lines 1-67).

As per claim 38, Kolling discloses wherein the payment router manually routes the payment transaction if one of the candidate clearing systems are available for use. (note abstract and see column 9 lines 23-38 and column 31 lines 11-53 and column 40 lines 39-67 and column 41 lines 1-67).

As per claim 39, Kolling discloses wherein the payment router priorities the candidate clearing systems. (note abstract and see column 9 lines 23-38 and column 31 lines 11-53 and column 40 lines 39-67 and column 41 lines 1-67).

As per claim 40, Kolling discloses wherein the payment router gives higher priority to a candidate clearing system identified by a customer as a preferred clearing system. (note abstract and see column 9 lines 23-38 and column 31 lines 11-53 and column 40 lines 39-67 and column 41 lines 1-67).

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As per claim 41, Kolling discloses wherein if the first candidate clearing system is not available for use, the payment router further verifying at least one of r.he other candidate clearing systems is available for use, and the payment router manually routes the payment transaction if one of the candidate clearing system- g are available for use; and

the payment router prioritizes the candidate clearing systems, the payment router giving higher priority to a candidate clearing system identified by a customer as a preferred clearing system.

As per claim 42, Kolling discloses wherein each of the plurality of clearing systems is associated with a clearing channel respectively and each clearing channel is connected to the central location; wherein the determining, by a payment rot~ter, for each payment transaction, an appropriate clearing system which to forward the payment transaction further comprises consulting a clearing member details table to check that to which clearing ehamael the destination bank is connected to. (note abstract and see column 9 lines 23-38 and column 31 lines 11-53 and column 40 lines 39-67 and column 41 lines 1-67).

As per claim 43, Kolling discloses wherein the determining, by a payment router, for each payment ~ransaction, an appropriate clearing system which to Ibrward the payment transaction further comprises consulting a clearing channel table to check ssatus of all clearing channels the central location is connected to. (note abstract and see column 9 lines 23-38 and column 31 lines 11-53 and column 40 lines 39-67 and column 41 lines 1-67).

As per claim 44, Kolling discloses wherein the clearing channel table contains a default priority for each cleating channel. (note abstract and see column 9 lines 23-38 and column 31 lines 11-53 and column 40 lines 39-67 and column 41 lines 1-67).

As per claim 45, Kolling discloses wherein the clearing member details table contains an overriding priority for each clearing channel. (note abstract and see column 9 lines 23-38 and column 31 lines 11-53 and column 40 lines 39-67 and column 41 lines 1-67).

As per claim 46, Kolling discloses wherein the determining, by a payment router, for each paymen~ transaction, an appropriate clearing system which to forward the payment transaction further comprises tesing the overriding priority in the clearing member details

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table to override the default priority in the clearing channel table. (note abstract and see column 9 lines 23-38 and column 31 lines 11-53 and column 40 lines 39-67 and column 41 lines 1-67).

As per claim 47, Kolling discloses wherein the clearing member details table identifies each bank by a universal Society for World-Wide Infer- bank Financial Telecommunications (SWIFT)code. (note abstract and see column 9 lines 23-38 and column 31 lines 11-53 and column 40 lines 39-67 and column 41 lines 1-67).

CONCLUSION

RESPONSE TO ARGUMENTS

- 5. Applicant's arguments filed 10/16/2007 has been fully considered but they are moot in view of new grounds of rejections.
- 6. Applicant's claims 1, 10, 25-26,, states "transaction of being cable of being forward, which could be used to forward, , and when the sum of the current balance of the credit account and the maximum purchase value is greater than or equal to the first tier limit"

 However the subject matter of a properly construed claim is defined by the terms that limit its scope. It is this subject matter that must be examined. As a general matter, the grammar and intended meaning of terms used in a claim will dictate whether the language limits the claim scope. Language that suggests or makes optional but does not require steps to be performed or does not limit a claim to a particular structure does not limit the scope of a claim or claim limitation. The following are examples of language that may raise a question as to the limiting effect of the language in a claim:

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(A) statements of intended use or field of use,

- (B) "adapted to" or "adapted for" clauses,
- (C) "wherein" clauses, or
- (D) "whereby" clauses.

This list of examples is not intended to be exhaustive. See also MPEP § 2111.04. **>USPTO personnel are to give claims their broadest reasonable interpretation in light of the supporting disclosure. In re Morris, 127 F.3d 1048, 1054-55, 44 USPQ2d 1023, 1027-28 (Fed. Cir. 1997). Limitations appearing in the specification but not recited in the claim should not be read into the claim. E-Pass Techs., Inc. v. 3Com Corp., 343 F.3d 1364, 1369, 67 USPQ2d 1947, 1950 (Fed. Cir. 2003) (claims must be interpreted "in view of the specification" without importing limitations from the specification into the claims unnecessarily). In re Prater, 415 F.2d 1393, 1404-05, 162 USPQ 541, 550-551 (CCPA 1969). See also In re Zletz, 893 F.2d 319, 321-22, 13 USPQ2d 1320, 1322 (Fed. Cir. 1989) ("During patent examination the pending claims must be interpreted as broadly as their terms reasonably allow.... The reason is simply that during patent prosecution when claims can be amended, ambiguities should be recognized, scope and breadth of language explored, and clarification imposed.... An essential purpose of patent examination is to fashion claims that are precise, clear, correct, and unambiguous. Only in this way can uncertainties of claim scope be removed, as much as possible, during the administrative process.").<

Where an explicit definition is provided by the applicant for a term, that definition will control interpretation of the term as it is used in the claim. Toro Co. v. White Consolidated Industries Inc., 199 F.3d 1295, 1301, 53 USPQ2d 1065, 1069 (Fed. Cir. 1999) (meaning of words used in a claim is not construed in a "lexicographic vacuum, but in the context of the specification and drawings."). Any special meaning assigned to a term "must be sufficiently clear in the specification that any departure from common usage would be so understood by a person of experience in the field of the invention." Multiform Desiccants Inc. v. Medzam Ltd., 133 F.3d 1473, 1477, 45 USPQ2d 1429, 1432 (Fed. Cir. 1998). See also MPEP § 2111.01.

6795. The examiner can normally be reached on 7am to 5pm.

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5. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Clement B Graham whose telephone number is 571-272-

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Kambiz Abdi can be reached on 571-272-6702. The fax phone numbers for the organization where this application or proceeding is assigned are 703-305-0040 for regular communications and 703-305-0040 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-305-3900.

CG

Oct 15, 2007

FRANTZY POINVIL PRIMARY EXAMINER

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